

**Notice of Allowability**

Application No.

10/645,928

Examiner

Charles Chow

Applicant(s)

ELLIS ET AL.

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**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 8/15/2006.
2. ☒ The allowed claim(s) is/are 1-26 and 55-85.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 7/14, 7/19, 9/13/06.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

### Detailed Action

1. This office action is for amendment received on 8/15/2006.

### EXAMINER'S AMENDMENT

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment has been given from attorney Pejman Sharifi in a telephone interview on 9/13/2006.

Attorney has authorized examiner to modify the independent **claims 1, 20-26, 55, 64** with the following changes:

**In lines 3-4 of claims 1, 20-26**, after "each receiver", replacing "capable of" with ---configured for---.

**In line 4 of claims 1, 20-26, 64**, after the word "unrelated radio" insert ---program---

**In line 5 of claim 1, 20-26**, after the word "storage module", replacing "having a capacity" with ---configured---.

**In line 3 of claim 55**, after the word "unrelated radio", insert ---program---

**In line 6 of claim 64**, after the word "unrelated radio", insert ---program---

### Allowable Subject Matter

3. The following is an examiner's statement of reasons for allowance:

Claims 1-26, 55-85 are allowable over the prior art of record. The prior arts fail to teach the allowable features, singly, particularly, or in combination, for the **features of**

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**simultaneously processing & storing of each unrelated radio programming signals,** such as audio signal from AM/FM stations, for the apparatus, method, steps configured to **having at least two radio receivers, each receiver capable of continuously receiving separate unrelated radio program signal** (see Morewitz & Ellis in below);

a storage module, to simultaneously store in a buffer at least an audio portion of every radio signal received by the two receivers for later output by selection of user, together with additional other features, in the independent claims 1, 20-26, 55, 64.

The dependent claims are also allowable due to their dependency upon the allowable independent claims above, and the having additional claimed features.

The closest prior art **Morewitz (US 5,457,815)** teaches receiving system 100 in Fig. 1 for the simultaneously process radio signals at radios 104, 106. While radio 106 scans for radio stations to match RDBS data of user criteria & categorical portions, the radio 104 simultaneously tracks RDBS data for FM-1 at the same time. When found at 104, then, to switch station at radio 102 to new radio station, having user criteria, from FM-1 [ Fig. 2, col. 1, lines 57-65 & col. 5, line 45 to col. 6, line 8 ], the a storage module 112, 114, for storing RDBS data from 104, 106 & transferring to long term RAM 120 for recall later [ col. 4, lines 8-19c; col. 5, lines 22-26], the control function 122 controls radio, such as tuning, seek, stop, scan [ col. 3, lines 27-42; Fig. 1, col. 3, lines 43-50 & keypad 130], the user retrieves selected portions from long term memory [ col. 7. lines 23-30], the storing audio based on user selection [col. 5, lines 22-26], but fails to teach **simultaneously store in a buffer at of every audio portion of the received radio programm signal.**

**Ellis et al. (US 2005/0229,213 A1)** teaches the more tuners in receiving processing 11, [paragraph 0088; Ellis' claim 341 & Ellis' claim 344, paragraph 0103], the continuously processing at the same time, to record separate unrelated program 1, program 2,

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[paragraph 0088], at the same time recording from tuners to 15 [paragraph 0088]; recording all available audio in [paragraph 0173], but **Ellis is in the field of client server environment, for television viewer, under user driven selection which is different from applicant's radio programming of the AM/FM stations having automatic tuning.**

Other prior arts in below has been considered, but they fail to teach the above allowable features.

**Lert, Jr. et al. (US 4,677,466)** teaches a radio [Fig. 1, abstract], a recognition module 34, to detect the audio signature from the digitized audio [ col. 4, lines 4-12], & compare with the stored reference signature in data base 62 [col. 4, lines 43-68], in order to identify a broadcast program [col. 3, lines 5-15], but fails to teach the allowable features in above.

**Matey (2002/0057,380 A1)** teaches the two tuner for simultaneously processing the video and/or audio signal [abstract, Fig. 1], having a later filing date that applicant.

**Tuoriniemi et al. (US 5,978,689)** teaches the communication module transmitter 58, receiver 60 & associated circuit of a cellular telephone [ Fig. 3], connected to an audio device 68 [ Fig. 5, col. 7, line 61 to col. 8, line 4], the audio device 68 can be a digital radio [col. 15, lines 33-35], in order to listen to an audio program while awaiting a telephone call [col. 6, lines 44-54].

**Clayton et al. (US 6,725,022 B1)** teaches the gateway 30, gateway transceiver 130, to track the customer billing information, to retrieve, access, previously stored information & customer profile, to track the use of the apparatus via billing information [ col. 6, lines 26-37].

**Otsubo (US 4,953,212)** teaches the removing vocal sounds from instrumental accompaniment and substituting the vocal sounds through microphone [ abstract, col. 1, lines 5-15; col. 3, lines 13-20].

Any comments considered necessary by applicant must be submitted no later than the

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payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Conclusion***

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles C. Chow whose telephone number is (571) 272-7889. The examiner can normally be reached on 8:00am-5:30pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on (571) 272-7899. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Charles Chow 

August 23, 2006.

  
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